IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl..No. 7203 of 2006()

---

CRMP.3621/2006 of ADDL.DISTRICT COURT-I,MAVELIKKARA
CRIME NO.100/2006 OF KAYAMKULAM EXCISE RANGE

.....

PETITIONER/ACCUSED

---

VASUDEVAN, S/O.NARAYANAN,
AGED 53 YEARS, VADAYAKKATTU HOUSE,
PERINGALA MURI, KAYAMKULAM VILLAGE,
KARTHIKAPPALLY TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT:

---

STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, KAYAMKULAM EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.Ramkumar, J.**
**==========**
**B.A.No.7203 of 2006**
**==========**

**Dated this the 6th December, 2006.**

**ORDER**

Petitioner who is the sole accused in Crime No.100 of 2006 of Kayamkulam Excise Range for offences punishable under Section 8(1) and (2) of Abkari Act for allegedly having been found in possession of 3 liters of arrack on 27.9.2006, seeks bail. He was arrested on the same day and eversince he is in judicial custody.

2. The learned Public Prosecutor on instructions admitted that the final report has not been filed even after 60 days' detention of the petitioner. If so, by virtue of the proviso to Section 167(1) Crl.P.C., the petitioner is entitled to bail as of right notwithstanding his involvement in another case involving similar offence.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Kayamkulam and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

ess 6/12